



Journal of the Senate

State of Indiana

114th General Assembly

First Regular Session

Thirty-first Meeting Day

Tuesday Afternoon

March 15, 2005

The Senate convened at 1:30 p.m., with the President Pro Tempore of the Senate, Robert D. Garton, in the Chair.

Prayer was offered by Pastor John Ramsey, New Life Worship Center, Indianapolis, the guest of Senator Glenn L. Howard.

The Pledge of Allegiance to the Flag was led by Senator Howard.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Antich-Carr	Lubbers
Bowser	Lutz
Bray	Meeks
Breaux	Merritt
Broden	Miller
Clark	Mishler
Craycraft	Mrvan
Dillon	Nugent
Drozda	Paul
Ford	Riegsecker
Gard	Rogers
Garton	Server
Harrison	Simpson
Heinold	Sipes
Hershman	Skinner
Howard	Smith
Hume	Steele
Jackman	Waltz <input checked="" type="checkbox"/>
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 288: present 49; excused 1. [Note: A ☒ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 37

Senate Concurrent Resolution 37, introduced by Senators Heinold and Ford:

A CONCURRENT RESOLUTION urging the educational leaders of Indiana to ensure that the P-16 Plan for Improving Student Achievement places emphasis on the Standards for Technological Literacy (ITEA 2000) and Indiana Technology

Education Standards and Curriculum (2004) as a vision for kindergarten through grade 12.

Whereas, The educational leaders of Indiana must be urged to ensure that the P-16 Plan for Improving Student Achievement of the Indiana state board of education places emphasis on the Standards for Technological Literacy (ITEA 2000) and Indiana Technology Education Standards and Curriculum (2004) as a vision for kindergarten through grade 12, thus ensuring that Indiana public school students will receive an education emphasizing technological literacy and reflecting the technological nature of contemporary society;

Whereas, With the encouragement of the Indiana state board of education, all public elementary schools should modify instruction in kindergarten through grade 5 to integrate national technological literacy standards and concepts across the curriculum and recognize that all elementary teacher preparation institutions in Indiana should include technology education as part of an elementary teacher's undergraduate degree requirement;

Whereas, The educational leaders of Indiana should address the need for the Practical Arts guidelines to be adjusted in the public middle school/junior high school (grades 6 through 8) curriculum to emphasize the Indiana Technology Education Standards and Curriculum (2004) and the guidelines for technological literacy approved by the Indiana state board of education;

Whereas, The educational leaders of Indiana should encourage school districts to make technological literacy, defined as one's ability to use, manage, assess, and understand technology, a primary goal for all public high school students by implementing Indiana Technology Education Standards and Curriculum (2004), as approved by the Indiana state board of education, with the standards and benchmarks that accompany the curriculum;

Whereas, The educational leaders of Indiana should recognize and promote that technology education is a key to the future for every major economic development in business and industry for Indiana; it is a stepping stone for all students, including many at-risk students, to find a path into Indiana's workforce of today and tomorrow;

Whereas, The educational leaders of Indiana should recommend that school districts fund the implementation of the Indiana Technology Education Standards and Curriculum (2004) and recognize its relationship to the engineering community; and

Whereas, Technological literacy will benefit the engineering profession by allowing more students to receive high quality

instruction in technology and gain the opportunity to support the future technological workforce in addition to choosing engineering as a possible career; the technology education courses approved by the Indiana state board of education, such as the ones developed in national programs like Project Lead the Way, will improve engineering and strengthen the technological base of Indiana's future economy: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the members of the Indiana General Assembly recognize the need for all public school students to acquire the ability to use, manage, understand, and assess technology.

SECTION 2. That the members of the Indiana General Assembly recognize that Indiana Technology Education Standards and Curriculum (2004) will help ensure that all public school students have the opportunity to receive a functional education on technology by establishing a consistent content for the study of technology.

SECTION 3. That the members of the Indiana General Assembly recognize that unless the Indiana state board of education's P-16 Plan for Improving Student Achievement places emphasis on Standards for Technological Literacy (ITEA 2000) and Indiana Technology Education Curriculum (2004) as a vision for kindergarten through grade 12, the state board will be unable to define what students should know and be able to do in order to be technologically literate.

SECTION 4. That copies of this resolution be transmitted by the Secretary of the Senate to the superintendents of all Indiana school corporations.

The resolution was read in full and referred to the Committee on Education and Career Development.

Senate Concurrent Resolution 42

Senate Concurrent Resolution 42, introduced by Senator Landske:

A CONCURRENT RESOLUTION to establish an interim study committee to study licensing of electricians and electrical contractors.

Whereas, No uniform and statewide licensing program currently exists for electrical contractors and electricians, so that electrical contractors and electricians working in more than one jurisdiction in Indiana are required to obtain and maintain multiple licenses, which increases their costs of doing business;

Whereas, Questions exist as to which industry segments and types of work should be included in a statewide licensing program, and how any program should be structured, governed and enforced; and

Whereas, Because some county and local governments currently license or certify electrical contractors and electricians, the

development of a statewide licensing program should consider and resolve any conflicts that exist between local licensing and statewide licensing: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Legislative Council is urged to establish an interim study committee to:

(1) conduct a comprehensive study of the statewide licensing of electricians and electrical contractors; and

(2) report to the Legislative Council, before November 1, 2005, the results of the study, including proposed legislation, if the report includes a finding that recommends statewide licensing of electricians and electrical contractors.

SECTION 2. That the committee, if established, shall operate under the direction of the Legislative Council.

SECTION 3. That the affirmative vote of a majority of the voting members appointed to the committee is required for the committee to take action on any measure, including the final report.

SECTION 4. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to the members of the Legislative Council.

The resolution was read in full and referred to the Committee on Pensions and Labor.

Senate Concurrent Resolution 47

Senate Concurrent Resolution 47, introduced by Senator Craycraft:

A CONCURRENT RESOLUTION urging the establishment of an interim study committee to study issues related to the Capitol Police.

Whereas, Under P.L.123-2002, the responsibility for providing security and preserving the peace at the state capitol building, the state office buildings, the state parking facilities, the state motor pool garage, the state warehouses, the Indiana state library, the governor's residence, and other buildings or properties used by the state to house personnel or activities of an agency or branch of state government or to provide transportation or parking for state employees or persons having business with state government was transferred from the department of administration to the state police department;

Whereas, The duties, responsibilities, and concerns of these special officers are now more similar to those of the law enforcement officers of the state police department, conservation officers, and excise police; and

Whereas, Because of the changed duties of the Capitol Police, officially known as the Government Facilities Unit, the wages, benefits, and training needs of the Capitol Police should be studied to determine if they are adequate: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the legislative council is urged to establish a committee to study issues relating to the Capitol Police.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council and that the committee shall issue a final report when directed to do so by the council.

The resolution was read in full and referred to the Committee on Homeland Security, Utilities, and Public Policy.

Senate Concurrent Resolution 48

Senate Concurrent Resolution 48, introduced by Senators Riegsecker, Craycraft, and Drozda:

A CONCURRENT RESOLUTION to urge the Indiana State Department of Health (ISDH), the Indiana Occupational Safety and Health Administration Division of the Indiana Department of Labor (IOSHA), and the Indiana Department of Environmental Management (IDEM) to review the health and safety standards at railroad mobile camps.

Whereas, Mobile camps are temporary facilities set up to house maintenance of way employees who travel throughout the country to perform maintenance and repair work on railroad tracks; and

Whereas, The Federal Railroad Administration has established guidelines for clean, safe, and sanitary railroad mobile camps in the Code of Federal Regulations at 49 CFR 228, Appendix C; and

Whereas, Due to the temporary nature of the mobile railroad camps, oversight and inspection by federal resources is limited; and

Whereas, Involvement of appropriate state and local agencies would help to address, in a more timely manner, health and safety issues for both the railroad maintenance of way employees and the residents of the communities in the area surrounding the mobile camps: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly encourages the railroad companies, railroad employees and unions to work together to improve the health and safety of the mobile camps housing maintenance of way employees.

SECTION 2. That the Indiana General Assembly urges ISDH, the IOSHA Division of the Indiana Department of Labor, and IDEM, to the extent allowed by current law, to inspect the mobile camps housing maintenance of way employees in Indiana for compliance with the health and safety guidelines.

SECTION 3. That the Indiana General Assembly urges these agencies to make recommendations regarding legislative action needed to help promote more timely and effective enforcement of the health and safety guidelines for the mobile camps and to submit a report to the Legislative Council on or before November 1, 2005.

SECTION 4. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Dr. Judy Monroe,

Commissioner of the Indiana State Department of Health; Miguel Rivera, Sr., Commissioner of the Indiana Department of Labor; Thomas Easterly, Commissioner of the Indiana Department of Environmental Management; and Jeffrey Bainter, Indiana Legislative Director of the Brotherhood of Maintenance of Way Employees.

The resolution was read in full and referred to the Committee on Pensions and Labor.

Senate Resolution 21

Senate Resolution 21, introduced by Senator Wyss:

A SENATE RESOLUTION to urging the formation of an interim study committee to examine the rules and regulations of the State Boxing Commission.

Whereas, It is imperative to ensure that Indiana's standards for participant safety for the sport of boxing are at the highest level in the nation; and

Whereas, It is in the best interest of our state to stimulate economic development by encouraging more matches be held in Indiana: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the legislative council is urged to establish an interim study committee to examine the rules and regulations of the State Boxing Commission.

SECTION 2. That the committee, if established, should study Indiana's standards for participant safety for the sport of boxing and economic development opportunities associated with the sport.

SECTION 3. That the committee, if established, shall operate under the direction of the legislative council, and that the committee shall issue a final report when directed to do so by the council.

The resolution was read in full and referred to the Committee on Homeland Security, Utilities, and Public Policy.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 21 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 21

House Concurrent Resolution 21, sponsored by Senator Jackman:

A CONCURRENT RESOLUTION recognizing the Purdue University Cooperative Extension Service on its 100th anniversary.

Whereas, The Purdue University Cooperative Extension Service is an integral part of the Purdue University College of Agriculture's educational outreach to the citizens of Indiana;

Whereas, The extension programs reach over one million citizens of Indiana on an annual basis;

Whereas, The outreach education of Purdue University was originally authorized by state legislation with the Farmers' Institute Act of 1889;

Whereas, This legislation later resulted in the permanent establishment of the Department of Extension with the Smith Act of 1905; and

Whereas, Purdue University has delivered extension educational programs to the citizens of Indiana since the enactment of the Smith Act of 1905: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the members of the Indiana General Assembly congratulate the Purdue University Cooperative Extension Service on its 100 years of service to the community.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Thomas N. Jordan.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1262

Senator Bray called up Engrossed House Bill 1262 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning civil law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 289: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1288

Senator Landske called up Engrossed House Bill 1288 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 290: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Senator Garton yielded the gavel to Senator Harrison.

Engrossed House Bill 1314

Senator Lubbers called up Engrossed House Bill 1314 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 291: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1398

Senator Landske called up Engrossed House Bill 1398 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning technical corrections.

The bill was read a third time by sections and placed upon its passage.

1:54 p.m.

The Chair declared a recess until the fall of the gavel.

Recess

The Senate reconvened at 2:11 p.m., with Senator Harrison in the Chair.

Senator Landske withdrew the call.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 22

House Concurrent Resolution 22, sponsored by Senator Bray:

A CONCURRENT RESOLUTION honoring Steve Main.

Whereas, Steve Main, who has been the voice for Habitat for Humanity in the Martinsville community for the past 15 years, is stepping down as executive director of the Morgan County Habitat for Humanity;

Whereas, During Steve Main's tenure, the Morgan County Habitat for Humanity has grown to 15 members and accomplished many things;

Whereas, Nineteen Habitat houses have been built, the first Habitat subdivision in the county has been completed, property in Paragon has been secured for future building projects, more than \$750,000 in grant fund money has been obtained, and a Habitat Home Store has been established to recycle used home products and furniture;

Whereas, In addition to the visible accomplishments Steve Main has helped bring about during his time with the Morgan County Habitat for Humanity, he is particularly proud of the cooperative relationships that have been developed with the other housing related agencies in the county;

Whereas, Steve Main firmly believes that, in addition to providing needy families with a place to live, Habitat for Humanity must also assist the families with home and money management;

Whereas, For this reason, Steve Main is a staunch supporter of the BRIDGE Education Program, which provides classes to teach families how to budget money, maintain a home and yard, and manage checking and savings accounts;

Whereas, Before coming to Habitat for Humanity, Steve Main was an orchestra and music teacher in Martinsville from 1971 to 1986 and at Carmel-Clay Schools from 1986 to 1998;

Whereas, Steve Main will continue to dedicate his time to people in need, but he would like to dedicate more of his time to church missions;

Whereas, Steve Main and his wife JoAnn attend the First Presbyterian Church in Bloomington and plan to become active in a senior citizens' home repair program the church is starting; and

Whereas, Steve Main's philosophy in life can be summed up by a sign he keeps on his desk stating: "It's amazing how much can be accomplished when nobody cares who gets the credit"; however, Steve Main deserves much of the credit for the accomplishments of the Morgan County Habitat for Humanity: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the members of the Indiana General Assembly express their gratitude to Steve Main for his many hours of dedicated service to the Martinsville community and Morgan County residents and wish him continuing success in his future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Steve Main and his family.

The resolution was read in full and adopted by voice vote. The

Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 23

House Concurrent Resolution 23, sponsored by Senator Dillon:

A CONCURRENT RESOLUTION to honor and congratulate Julianne Haines and Shannon Sleighter, of Whitko High School, South Whitley, Indiana, for competing in the 35th World School Children's Art Exhibition in the Republic of China, Taipei.

Whereas, Julianne Haines and Shannon Sleighter, of Whitko High School, South Whitley, Indiana, competed in the 35th Annual World School Children's Art Exhibition held in the Republic of China on October 2nd through October 14th, 2004;

Whereas, In an effort to promote mutual understanding and friendship among the younger generations of the world, the Republic of China sponsored the 35th international art contest;

Whereas, Parrish R. Kruger is the Principal of Whitko High School;

Whereas, Walter C. Malicki is the Art Teacher of Whitko High School;

Whereas, Julianne Haines and Shannon Sleighter are Whitko High School Art Students;

Whereas, Julianne Haines and Shannon Sleighter both received medals for their artwork in the Exhibition;

Whereas, Julianne Haines and Shannon Sleighter were two of only 51 students from the United States to receive medals in the Exhibition;

Whereas, Whitko High School was one of eleven schools representing the United States in the Exhibition;

Whereas, The United States was one among 48 countries represented in the Exhibition;

Whereas, Whitko High School art students have received 32 national and 97 international awards to date;

Whereas, Artistic expression is important for the students in the development of our society as a whole; and

Whereas, Julianne Haines and Shannon Sleighter have continued Whitko High School Art Department's award-winning tradition by winning medals in the 35th World School Children's Art Exhibition in the Republic of China, Taipei: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana House of Representatives do honor and congratulate Julianne Haines and Shannon Sleighter, of Whitko High School, South Whitley, Indiana, for competing in the 35th World School Children's Art Exhibition in the Republic of China, Taipei.

SECTION 2. That the Principal Clerk of the House of Representatives transmit copies to Julianne Haines, Shannon Sleighter, Parrish R. Kruger, and Walter C. Malicki.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

SENATE MOTION

Madam President: I move that Senator Broden be added as cosponsor of Engrossed House Bill 1262.

BRAY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Zakas be removed as second sponsor of Engrossed House Bill 1241.

ZAKAS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Bray be removed as first sponsor of Engrossed House Bill 1241 and that Senator Zakas be substituted therefor.

BRAY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Bray be added as second sponsor of Engrossed House Bill 1241.

ZAKAS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Heinold be removed as second sponsor of Engrossed House Bill 1039.

HEINOLD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Bray be removed as first sponsor of Engrossed House Bill 1039 and that Senator Heinold be substituted therefor.

BRAY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Bray be added as second sponsor of Engrossed House Bill 1039.

HEINOLD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Drozda be added as cosponsor of Engrossed House Bill 1032.

HEINOLD

Motion prevailed.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 23 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolutions 24 and 46 and the same are herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 22 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Thursday, March 17, 2005.

GARTON

Motion prevailed.

The Senate adjourned at 2:25 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate